

## **REMARKS**

### **I. Overview**

Claims 1-8 and 18-20 are pending. Claims 1, 6, 18, 19, and 20 are amended herein. Claims 27 and 28 are added herein.

Applicants wish to thank the Examiner for the consideration extended during the interview conducted on March 10, 2006. During the interview, Applicants' representatives and the Examiner discussed amendments, made herein, that the Examiner indicated would overcome the present rejections under §§ 102 and 112.

### **II. Rejections under 35 U.S.C. § 112**

The Examiner rejected claims 6-8 and 20 under 35 U.S.C. § 112, first paragraph, indicating that the terms "adjustment factor" and "distinguished query" were not described in the specification sufficiently to meet the written description requirement. These terms were contained in Applicants' original claims which are part of Applicants' written description. Although Applicants disagree with the Examiner's assertion that the written description requirement is not satisfied for these terms by the application as filed, Applicants herein amend the specification to reiterate the description of these terms found in the original claims. No new matter has been added.

The Examiner rejected claims 1-8 and 20 under 35 U.S.C. § 112, second paragraph asserting that the terms "levels of effort," "distinguished query," and "adjustment factor" are indefinite. Although Applicants do not agree that these terms are indefinite, Applicants herein amend the specification and claims to clarify the meaning of these terms. For example, claim 1 is amended herein to clarify that the determination of level of effort is based on the position of the item in some embodiments.

Applicants believe the amendments herein address the Examiner's concerns. The Examiner also raised a concern during the interview about certain wording of the independent claims. Although Applicants believe that the claims are allowable in their previous form, they herein nevertheless amend these claims to address the Examiner's concern. Accordingly, Applicants respectfully request that these rejections be withdrawn.

Claims 27 and 28 are added herein to describe the manner in which the ranking values are used to affect the displaying step in some embodiments. No new matter has been added.

### III. Prior Art Rejections

The Examiner rejected claims 1-8 and 18-20 under 35 U.S.C. § 102(a) over Schultz (U.S. Patent No. 5,640,553). Applicants respectfully traverse this rejection.

### IV. Applicants' Technology

Applicants' technology is directed to a method of improving the search results returned to users in response to a query by observing the search results prior users have selected from a list of search results for similar queries. Applicants' technology does this by (1) identifying the selections made by each user from prior search results, and, in some embodiments, by noting the level of effort required to select a particular search result (such as by noting the position of the selected items in the prior search results), and (2) using this information to produce a ranking value.

### V. The Prior Art

Schultz describes a method in a computing system for ranking items in a search result. Schultz's method contains three steps: (1) each term in the query is given a relevance rating based upon its part of speech and other criteria such as whether it is a proper noun (col. 23, lines 21-31); (2) the query terms and their relevance ratings are fed into a software query engine that produces a query result containing items ranked based on such criteria as occurrence of the specified terms

and their distances from other specified terms (col. 23, line 66 – col. 24, line 21); (3) the rankings returned by the query engine are normalized to account for a tendency of the query engine to rank results for short queries higher than those for long queries (col. 25, lines 24-39). Schultz's method only describes the way in which a single query is performed, and does not describe any relationship between a present query and prior queries.

VI. Rejections under 35 U.S.C. § 102(a)

The Examiner rejected claims 1-8 and 18-20 under 35 U.S.C. § 102(a) over Schultz. Applicants respectfully traverse this rejection.

A. Claims 1-5

In order to support a rejection under 35 U.S.C. § 102, the reference must teach every element of the claim. M.P.E.P. § 2131. Claim 1, as amended, recites using query result selections in previous queries to rank results responsive to a current query. Specifically, claim 1 recites "combining ratings reflecting both (a) the frequencies with which users selected the item in query results produced for earlier queries...and (b) levels of effort required to make such selections based on the position of the item in the earlier query results, such that the combination of ratings produces a ranking value for the item." Schultz does not teach producing a ranking value based on "the frequencies with which users selected the item in query results produced for earlier queries" or "levels of effort required to make such selections based on the position of the item in the earlier query results" as recited. While Schultz does mention tracking users' selections (col. 36, lines 34-54), Schultz describes only using this information for the computation of royalties for sponsored links, not for producing a ranking value in response to receiving a query. Therefore, claim 1 is patentable over Schultz as are claims 2-5 and 27-28, which depend from claim 1. Moreover, the dependent claims contain additional elements not disclosed by Schultz that contribute to the ratings such as "the number of items that preceded the selected items" (claim 2), "the set of navigation commands needed to reach the

selected items" (claim 3), scrolling needed "to reach the selected items" (claim 4), and "the number of pages of each query result that preceded the page of each query result containing the selected item (claim 5).

B. Claim 6

Claim 6, as amended, recites "for items selected from the query result,...determining an adjustment factor indicating the level of effort necessary to effectuate selection of the item based on the position of the item in the query result." Schultz does not teach "determining an adjustment factor," or anything about tracking the level of effort necessary to select an item. Therefore, claim 6 is patentable over Schultz as are claims 7 and 8, which depend from claim 6. Moreover, the dependent claims contain additional elements not disclosed by Schultz related to the adjustment factor such as "increasing the adjustment factor for items occurring in the query result before the selected item" (claim 7) and "increasing the adjustment factor for navigation operations" (claim 8).

C. Claims 18 and 19

Claims 18 and 19 recite "combining ratings of frequencies with which users selected the item in earlier queries...to produce a ranking value for the item." As noted above, Schultz does not teach anything about using the results of previous queries to produce a ranking value for items in a query result for a present query. Schultz also does not teach using the frequency of selection of items as a factor in producing a ranking value. Therefore, claims 18 and 19 are patentable over Schultz.

D. Claim 20

Claim 20 recites "adjusting a rating score...the rating score indicating the relative frequency with which users have selected the selected item." As noted above, Schultz does not teach anything about using users' actions with respect to results of previous queries to adjust a rating score for items in a query result for a present query, or specifically using the relative frequency with which users have

selected the item to adjust a rating score. Therefore, claim 20 is patentable over Schultz.

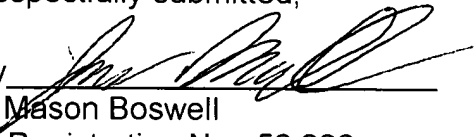
Thus, all of Applicant's claims recite elements not taught by Schultz. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

VII. Conclusion

Based upon these remarks, Applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000. Applicant believes all required fees are being paid in connection with this response. However, if an additional fee is due, please charge our Deposit Account No. 50-0665, under Order No. 577288005US3 from which the undersigned is authorized to draw.

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Respectfully submitted,

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